

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 241 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No.

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PATEL ARUNKUMAR NARANBHAI

Versus

MR.L.M.MAKWANA,J.M.F.C.,SIDDHPUR

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Appearance:

MR AJ PATEL for the Petitioner.

Respondent No.1 deleted.

Respondent No.2 unserved for want of complete address.

Mr.S.A.Pandya,Addl.PP for Respondent No. 3.

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CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 01/11/96

ORAL JUDGEMENT

The petitioner, who is the original complainant of Criminal Case No. 175/89 pending in the Court of learned JMFC, Sidhpur, has made a grievance in this petition that the learned Magistrate ought not to have ordered inquiry under section 157 (3) of the Criminal

Procedure Code. The said order was passed on 15-11-1989.

When this matter was called out on 25th October, 1996, this Court wanted to know the outcome of the investigation carried out by the Unjha Police Station and, therefore, it was adjourned .To-day, Mr. S.A.Pandya, learned APP, on instructions from Ratilal R.Varma, Unarmed Head Constable, Unjha Police Station, has stated that the Unjha Police Station has not received the case papers of Criminal Case No.175/89. However, with respect to another case where the respondent No.3 is common, the case papers have been received and, therefore, no investigation has been carried out with respect to the criminal case in question. It is unfortunate that the complainant has also not moved the learned Magistrate thereafter to know the outcome of the investigation nor the concerned police station officer, made any attempt to know whether there is any other order passed in this matter. Be that it may, the only order that can be passed at this stage is to direct the Unjha Police Station to investigate into Criminal Case No.175/89 .

In view of the above, Unjha Police Station is directed to investigate into Criminal Case No.175/89 pending in the Court of the learned JMFC, Sidhpur after getting the copy of the complaint and make appropriate report to the learned Magistrate as expeditiously as possible and preferably within three months from the date of receipt of the writ from this Court. With this direction, now nothing further is required to be done and the application is disposed of accordingly with no order as to costs. Rule is discharged.

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